

Public Chapter 340

HOUSE BILL NO. 665

By Representative Bowers

Substituted for: Senate Bill No. 872

By Senator Haun

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 6, relative to home inspection contractors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 6, is amended by adding the following new section:

Section \_\_\_\_.

(a) No person, firm or corporation shall offer to perform or perform new inspection services for a fee without having first obtained:

(1) A contractor's license from the board; or

(2) Certification as a fire prevention or building official under §68-120-113; or

(3) Certification by the Southern Building Code Congress International or any other national professional building code organization; or

(4) Certification by the Home Inspectors of Tennessee Association, Inc.; or

(5) Certification by the American Society of Home Inspectors, Inc.; or

(6) Certification by the Home Inspectors of Tennessee Association, Inc. based on the association's standards in effect on May 1, 1997; or

(7) Membership in good standing with the American Society of Home Inspectors.

(b) For the purpose of inspections performed by a person, firm or corporation licensed or certified in accordance with subsection (a)(1), (2) or (3), "new inspection services" means the examination and evaluation of the structural and aesthetic features of new residential, commercial and industrial buildings. Provided, however, "new inspection services" only means the examination and evaluation of the structural and aesthetic features of new residential buildings for a person certified by the American Society of Home Inspectors, Inc. For the

purpose of inspections performed by a person, firm or corporation certified in accordance with subsection (a)(4) or (a)(5), "new inspection services" means the examination and evaluation of the structural and aesthetic features only of new residential buildings. "New inspection services" does not include any work which is within the scope of practice of architecture, engineering, or landscape architecture or is performed by a person qualified to use the title "registered interior designer", all as defined in Title 62, Chapter 2, or any work performed by a real estate appraiser under Title 62, Chapter 39, or any work which is within the scope of building code enforcement as defined in Title 68, Chapter 120.

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
14,650	15,000
17,250	17,550
17,600	18,000
47,000	47,500

SECTION 3. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
4,800	5,100
8,600	8,900
9,650	10,000
13,100	13,370
24,600	24,900
32,900	33,000

SECTION 4. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
21,400	21,700
25,700	26,000
28,100	28,400

SECTION 5. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
40,200	40,500

SECTION 6. The provisions of this act shall not apply in any county having a population of not less than thirty thousand two hundred (30,200) nor more than thirty thousand four hundred seventy-five (30,475) according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 7. The provisions of this act shall not apply in any county having a population of not less than fifty-one thousand three hundred fifty (51,350) nor more than fifty-one thousand four hundred fifty (51,450) according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 8. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
4,700	4,750
24,600	24,900
34,500	34,730

SECTION 9. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
7,000	7,075
9,475	9,600
27,800	28,000

SECTION 10. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
21,800	22,100

SECTION 11. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
6,700	6,950
44,500	45,000
10,471	10,800
22,200	22,500
22,600	23,000

SECTION 12. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
16,700	16,950
35,050	35,070

SECTION 13. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
9,000	9,250
13,925	14,000
35,300	35,500
54,600	55,000
25,300	25,600
37,500	37,800
35,075	35,200
68,100	68,400
12,700	13,000
23,300	23,400
25,300	25,600
4,000	4,600
7,200	7,500

9,275	9,400
15,900	16,200
18,200	18,500

SECTION 14. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
27,500	27,750
31,900	32,200
7,100	7,175
31,500	31,800
46,000	46,500

SECTION 15. The provisions of this act shall not apply in any county having a population of not less than fifty thousand three hundred (50,300) nor more than fifty thousand six hundred (50,600) according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 16. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
16,300	16,650

SECTION 17. The provisions of this act shall not apply in any county having a population of not less than fifty-one thousand five hundred (51,500) nor more than fifty-one thousand eight hundred (51,800) according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 18. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
24,100	24,400
34,735	34,800

SECTION 19. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
10,100	10,470
14,100	14,250
14,300	14,450
15,900	16,200
13,680	13,750
26,100	26,400
35,075	35,200
19,300	19,600
23,300	23,400
23,450	24,000

SECTION 20. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
----------------------	----------------------

17,000	17,200
33,010	33,500

SECTION 21. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
14,500	14,600
34,850	35,000

SECTION 22. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 23. This act shall take effect July 1, 1997, the public welfare requiring it.